

**Remarks**

The Official Action of August 31, 2005 has been carefully considered. Applicant wishes to thank the Examiner for his indication of the allowance of claims 11 and 16. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Applicant wishes to thank the Examiner for taking the time to interview this application by telephone with the undersigned on November 22, 2005. During the interview, independent claims 1 and 12 were discussed. In addition, Doshi (U.S. Patent No. 5,899,519) and Wagner (U.S. Patent No. 4,193,434) were reviewed and discussed in light of the pending Official Action. The Doshi reference discloses bolting the plastic liner to the truck bed. With respect to the Wagner reference, it was noted that Wagner fails to disclose an intermediate layer (mounting structure) and as such does not teach a bearing member which bears against the bearing surface of a securement structure and bears against the bearing surface of the mounting structure. The Examiner contends that the bolt disclosed in Doshi serves as the claimed mounting structure. In light of the discussions from the interview with the Examiner, Applicant has prepared the following remarks.

Claims 1-18 remain in the present application and are believed to be in condition for allowance. Claims 1 and 12 have been amended for clarification in accordance with the specification and drawings. Claim 11 has been amended to be in independent form. Claim 18 has been added. Support for these claim amendments can be found within the specification and drawings. Thus, the amendments do not involve any issue of new matter or raise any new issue after final rejection.

Claims 1-10, 12-15 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi in view of Wagner. Particularly, the Examiner alleges that Doshi discloses an object, a vehicle bed, an article, a pickup truck, and a securement structure at the hole and hole periphery (Fig. 2) surrounding the fastener 30. The Examiner further asserts that Doshi

discloses bolting the bed to the frame which entails the problem of plastic creep discussed in Wagner. The Examiner alleges that Wagner discloses the use of a bearing member having a first portion bearing against a plastic structure and a second portion against an analogous metal mounting structure. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to provide in Doshi a fastening system as taught by Wagner.

Applicant submits however that the fastening systems and vehicle beds defined by claims 1-10, 12-15 and 17 are nonobvious over and patentably distinguishable from Doshi in view of Wagner. This rejection is therefore traversed and reconsideration is respectfully requested.

Doshi relates particularly to a truck bed or liner having improved electrical charge dissipating characteristics (abstract). Moreover, Doshi teaches having a plurality of fasteners (such as bolts) extending through the bottom panel to secure the panel to transverse braces or members (col. 3, lines 8-10).

Wagner relates to a preassembled bolt and washer, and more particularly, to a fastening system for clamping and securing a plastic workpiece to a supporting workpiece (column 1, lines 7-10). Moreover, Wagner teaches securing a plastic-like workpiece to a lower supporting structure, such as a steel panel having a threading aperture (column 2, lines 43-46).

Doshi and Wagner, either alone or in any arguable combination, fail to teach or suggest the fastening systems and vehicle beds as set forth in claims 1-10, 12-15 and 17. Particularly, Doshi in combination with Wagner fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. The present invention is respectively defined by independent claims 1 and 12 to relate to fastening systems and vehicle beds adapted for mounting on a fastening location of a vehicle and that include, among other components, a mounting structure operable to be

fastened with respect to a securement structure. Moreover, independent claims 1 and 12 recite that the bearing member has three portions, namely, a first portion for bearing against the bearing surface of the securement structure, a second portion for bearing against the bearing surface of the mounting structure, and a third portion to be biased by a fastener such that the bearing surface of the securement structure and the mounting structure receive compressive force from the respective first and second portions of the bearing member. Doshi fails to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. Moreover, Doshi also fails to teach a bearing member having three portions. As previously mentioned, Doshi illustrates a liner for a truck bed. Bolts fasten the liner to the vehicle bed, as shown in Figs. 2 and 3. As discussed during the interview with the Examiner, the bolts 30 only fasten the liner 26 to the bed 32. Doshi does not disclose the bolts 30 being used to fasten the liner and the bed to a substructure, such as the frame 34. As such, Doshi does not teach a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure.

The disclosure in Wagner does not rectify this deficiency. Wagner also fails to teach the element of a mounting structure as presently claimed, but rather discloses only a securement-like structure mounted to a steel article, without an intermediate mounting structure. Moreover, as also noted during the interview, the washer in Wagner does not operate as a bearing member as presently claimed which has three portions to bias against a surface of the securement structure, a surface of the mounting structure and the fastener. As such, there is no motivation to modify the teachings of Doshi, or to combine Wagner with Doshi to teach or suggest the presently claimed fastening systems or vehicle beds having a bearing member bearing against the bearing surface of the securement structure and against the bearing surface of the mounting structure. Therefore, the disclosure in Wagner does not rectify the deficiency of Doshi.

The Examiner noted during the interview that he believed the mounting structure in independent claims 1 and 12 could be read to include the fastener (i.e. bolt 30) in the Doshi reference. However, the presently claimed fastening system and vehicle bed clearly indicate that the mounting structure is separate from a fastener because the bearing member has a first portion which biases on a surface of the securement structure, a second portion which biases on a surface of the mounting structure, and a third portion to be biased by a fastener. Because this bearing member has three portions which independently interact within the system, the mounting structure cannot be part of the fastener. Moreover, the Wagner reference does not rectify this deficiency, and, as such, Applicant believes the present claims overcome the Examiner's rejection.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 1-10, 12-15 and 17 are non-obvious over and patentably distinguishable from Doshi in view of Wagner, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 8 and 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi in view of the Wagner as applied to claim 1, and in further view of Johnson (U.S. Patent No. 6,059,503). The Examiner asserts that it would have been obvious to one having ordinary skill in the art to provide a resilient washer as taught by Johnson in order to avoid damage to the plastic substructure. This rejection is traversed and reconsideration is respectfully requested.

Applicant submits however that the fastening systems and vehicle beds defined by claims 8 and 15 are nonobvious over and patentably distinguishable from Doshi in view of Wagner as applied to claim 1, and in further view of Johnson. This rejection is traversed and reconsideration is respectfully requested.

Johnson generally teaches assemblies where the fastener is captivated with the workpiece (column 1, lines 5-7).

Serial No. 10/663,270  
Amendment Filed November 29, 2005  
Reply to Office Action Dated August 31, 2005

Any arguable combination of Doshi, Wagner and Johnson fails to teach or suggest the fastening systems or vehicle beds as set forth in claims 8 and 15. In particular, Doshi in combination with Wagner and Johnson fail to teach or suggest a vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. Moreover, these references fail to teach the presently claimed bearing member. As such, Johnson fails to teach the claimed fastening system or vehicle bed adapted for mounting on a vehicle where the securement structure is fastened to the mounting structure. Thus, as previously mentioned, Doshi and Wagner fail to teach the element of a mounting structure and the claimed bearing member, and the disclosure in Johnson does not rectify this deficiency.

It is therefore submitted that the fastening system and vehicle bed as set forth in claims 8 and 15 are non-obvious over and patentably distinguishable from Doshi in view of Wagner and Johnson, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. §103 and places the present application in condition for allowance. Reconsideration and an early allowance are respectfully requested.

Respectfully submitted,

By Clayton L. Kuhnell  
Clayton L. Kuhnell  
Registration No. 48,691  
Attorney for Applicant  
Dinsmore & Shohl LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8377

1210006v1